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**CASE NO.: 1173.001**  
**Serial No.: 09/665,368**  
**January 5, 2005**  
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**JAN 0 5 2005****PATENT**  
**Filed: September 19, 2000****Remarks**

Reconsideration of the application is requested. All previously pending claims (1-9 and 11-17) have been rejected under 35 U.S.C. §103 as being unpatentable over Kitty Hawk (web page) in view of Glassner (USPN 6,311,142).

To overcome the rejections, the enclosed declaration is submitted, swearing behind the date alleged in the Office Action to be the date of Kitty Hawk. Although Applicant has sworn behind the alleged date, it does not necessarily acquiesce that the alleged data of Kitty Hawk is in fact the date the relied-upon information was made public, and hence preserves the issue should another appeal become necessary.

New Claims 20 and 21 are supported by, among other places in the specification, page 5, first full paragraph (disclosing 3D photography). Kitty Hawk does not disclose that its models are related to photographs, much less to 3D photographs.

Respectfully submitted,



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